

Attorney Docket: 01315  
U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623  
Response to December 12, 2007 Office Action

### **REMARKS**

In response to the Office Action dated December 12, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 48-53, 58-63, and 68-73 are pending in this application. Claims 54-57, 64-67, and 74-77 are canceled without prejudice or disclaimer. Claims 1-47 were previously canceled without prejudice or disclaimer.

#### **Rejection of Claims under § 112**

The Office rejected claims 54-57, 64-67, and 74-77 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. These claims have been canceled without prejudice or disclaimer, so the rejection is moot.

#### **Rejection of Claims under § 102 (e)**

Claims 48-49, 53-54, 58-59, 63-64, 68-69, and 73-74 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,842,877 to Robards, *et al.*

The pending claims, however, cannot be anticipated by *Robards*. These claims recite, or incorporate, features that are not taught or suggested by *Robards*. Independent claim 48, for example, recites "*transmitting an activation signal from a presence detector to an interface unit, the interface unit connected in a series connection between a computer and a keyboard.*" Support for such features may be found at least in the as-filed application at paragraph [0035] and at FIG. 2B. Independent claim 48 also recites "*when the presence detector determines that the user is in the vicinity of the computer, sending a signal from the presence detector to the interface unit.*" Support for such features may be found at least in the as-filed application at paragraph [0035] and at FIG. 2B. Independent claim 48 also recites "*sending a keyboard signal from the interface unit over the series connection to the computer, the keyboard signal*

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*comprising the user identifier and instructing the computer to deactivate a screen saver."* Support for such features may be found at least in the as-filed application at paragraph [0035] and at FIG. 2B. Independent claim 48 also recites *"executing the at least one action, the at least one action comprising i) instructing a set-top box to turn on a television, ii) instructing the television to adjust a volume according to the user profile, iii) instructing the set-top box to select a channel according to the user profile, and iv) setting a timer to power off the television when the timer expires."* Support for such features may be found at least in the as-filed application at paragraph [0040] and at Table 3. Support may also be found at paragraph [0043] (explaining how a computer "can be a home entertainment server that is coupled to television 850, set-top box 852, stereo system 860"). For the Examiner's convenience, independent claim 48 is reproduced below, and independent claims 58 and 68 recite similar features.

48. A method, comprising:

transmitting an activation signal from a presence detector to an interface unit, the interface unit connected in a series connection between a computer and a keyboard;

in response to the activation signal, receiving an identification signal at the presence detector, the identification signal comprising a user identifier that identifies a user associated with a transponder;

when the presence detector determines that the user is in the vicinity of the computer, sending a signal from the presence detector to the interface unit;

sending a keyboard signal from the interface unit over the series connection to the computer, the keyboard signal comprising the user identifier and instructing the computer to deactivate a screen saver;

querying for a user profile associated with the user identifier;

accessing the user profile to determine at least one action to be executed in response to the user identifier;

executing the at least one action, the at least one action comprising i) instructing a set-top box to turn on a television, ii) instructing the television to adjust a volume according to the user profile, iii) instructing the set-top box to select a channel according to the user profile, and iv) setting a timer to power off the television when the timer expires;

sending the user identifier to a presence database;

querying the presence database for other user identifiers associated with the user

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identifier; and

receiving presence updates identifying presence of the other user identifiers.

*Robards* does not anticipate all these features. *Robards* discloses a computer that receives data inputs to determine a user's "context." U.S. Patent 6,842,877 to *Robards, et al.* at column 7, lines 57-60 and at column 10, lines 1-5. The input sensors may include temperature sensors, GPS receiver, microphone, heart rate/EKG sensor, motion sensor, and even RFID sensors. *See id.* at columns 7 through 9. All this information may be used to determine if a user is at their desk, or having a cardiac condition, or any other "theme." *Id.* at column 10, lines 38-41 and at column 14, lines 9-12. When a cardiac condition is detected, a cell phone may be activated to call for help. *See id.* at column 14, lines 58-63. *See also id.* at column 15, lines 1-41. Information may also be provided regarding emails, voice mails, calendar, contacts, and web pages. *See also id.* at column 15, lines 50-60.

Still, though, *Robards* does not anticipate independent claims 48, 58 and 68. *Robards*, for example, fails to teach or suggest "transmitting an activation signal from a presence detector to an interface unit connected in a series connection between a computer and a keyboard." The patent to *Robards, et al.* also fails to teach or suggest "when the presence detector determines that the user is in the vicinity of the computer, sending a signal from the presence detector to the interface unit." The patent to *Robards, et al.* also fails to teach or suggest "sending a keyboard signal from the interface unit over the series connection to the computer, the keyboard signal comprising the user identifier and instructing the computer to deactivate a screen saver."

*Robards*, then, does not anticipate claims 48-49, 53, 58-59, 63, 68-69, and 73. Independent claims 48, 58 and 68 recite many features that are not taught or suggested by *Robards*. The dependent claims incorporate these features and recite additional features. *Robards*, then, does not anticipate these claims, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

**Rejection of Claims 50-51, 60-61 & 70-71 under § 103 (a)**

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The Office rejected claims 50-51, 60-61, and 70-71 under 35 U.S.C. § 103 (a) as being obvious over *Robards* in view of U.S. Patent Application Publication 2002/0194586 to Gutta, *et al.*

*Robards* with *Gutta*, though, cannot obviate claims 50-51, 60-61, and 70-71. These claims depend, respectively, from independent claim 48, 58 or 68 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Robards* does not teach or suggest all the features of the independent claims, and *Gutta* does not cure these deficiencies. *Gutta* discloses an entertainment system that detects users. See U.S. Patent Application Publication 2002/0194586 to Gutta, *et al.* at paragraph [0018]. When users are detected, a composite profile is created. See *id.* at paragraph [0020]. Still, though, *Robards* with *Gutta* fails to teach all the features of independent claims 48, 58 and 68. One of ordinary skill in the art, then, would not think that claims 50-51, 60-61, and 70-71 are obvious over *Robards* with *Gutta*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 52, 62 & 72 under § 103 (a)**

The Office rejected claims 52, 62, and 72 under 35 U.S.C. § 103 (a) as being obvious over *Robards* in view of U.S. Patent 6,025,869 to Stas, *et al.*

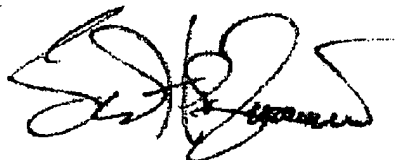
*Robards* with *Stas*, though, cannot obviate claims 52, 62, and 72. These claims depend, respectively, from independent claim 48, 58 or 68 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Robards* does not teach or suggest all the features of the independent claims, and *Stas* does not cure these deficiencies. *Stas* describes a matrix that allows a supervisor (e.g., a parent) to block/allow certain channels and times of use. Still, though, *Robards* with *Stas* fails to teach all the features of independent claims 48, 58 and 68. One of ordinary skill in the art, then, would not think that claims 52, 62, and 72 are obvious over *Robards* with *Stas*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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